

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

-vs-

BENJAMIN D. CLIETT,

Plaintiff,

Defendant.

Case No. 1:22-CR-02111-MKD
CRIMINAL MINUTES
DATE: APRIL 28, 2025
LOCATION: YAKIMA
SENTENCING HEARING

Honorable Mary K. Dimke		
Cora Vargas	03	Marilynn McMartin
Courtroom Deputy	Law Clerk	Court Reporter
Michael Ellis		Nick Mirr
Government Counsel		Defense Counsel
United States Probation Officer: Dan Manning via video		

Open Court

Chambers

Video Conference

Defendant present, not in custody of the US Marshal.

The Court confirmed the parties are ready to proceed to sentencing.

Mr. Mirr confirmed he has reviewed and discussed the Presentence Investigation Report and Addendum with the defendant, including the proposed conditions of supervision, and the defendant does not have any outstanding objections.

After hearing argument from counsel, the Court sustained the United States' objection to the Presentence Investigation Report and applied the requested 2-level enhancement. The Court provided findings on the guideline calculations – no objection by counsel given the Court's ruling on objection. The Presentence Investigation Report shall be modified consistent with the Court's oral ruling regarding the 2-level enhancement.

The Court accepted the Rule 11(c)(1)(C) Plea Agreement entered into between the parties at the change of plea hearing and informed counsel the Court intends to sentence Defendant consistent with the agreement.

Mr. Ellis provided sentencing recommendations on behalf of the government.

Mr. Mirr provided sentencing recommendations and comments on behalf of Defendant.

Defendant addressed the Court on his own behalf.

ORDER FORTHCOMING

CONVENED: 10:05 A.M.	ADJOURNED: 11:01 A.M.	TIME: 0:56 HR.	CALENDARED	[]
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The Court addressed Defendant and imposed sentence:

- **Imprisonment: 24 months.** The Court recommends placement at FCI Sheridan.
- **Supervised Release: 3 years** on mandatory, standard, and special conditions listed in the Presentence Investigation Report. Mr. Mirr waived reading of the conditions on behalf of Defendant.
- **Fine:** waived
- **Special Penalty Assessment:** \$100

Appeal rights waived pursuant to plea agreement.

Mr. Mirr indicated the defendant does not object to entry of the proposed Final Order of Forfeiture submitted by the United States.

Mr. Ellis indicated he does not object to Defendant self-reporting.

Court: Defendant to remain released on conditions previously imposed pending self-reporting instructions. Defendant shall self-report directly to the designated BOP facility as directed.

Mr. Ellis moved to dismiss the underlying Indictment

Court: granted